IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2006

C O R A M

THE HONOURABLE MR. JUSTICE P.SATHASIVAM

Civil Revision Petition NPD Nos.1327 & 1328 of 2006
& CMP Nos. 1 & 1 of 2006

V.V.Mohamed ... Petitioner in both CRPs/Tenant

Vs.

A.Palanisamy Thevar .. Respondent in CRP.1327/06/Landlord
P.Deivanayagi .. Respondent in CRP.1328/06/Landlord

Civil Revision Petitions filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent) Control Act 1960 as against the judgments and decree made in RCA No. 47 and 48 of 2005 on the file of II Additional Sub Judge, Coimbatore dated 27.03.2006 confirming the decree and judgment of the Principal District Munsif at Coimbatore made in R.C.O.P.Nos.67 and 69 of 2002 dated 1.02.2005 respectively.

For petitioner ... Mr.N.Anand Venkatesh
For 2nd Respondent ... Mr.V.Nicholas

COMMON ORDER

The tenant is the petitioner in these revisions. The respondents-landlord have filed RCOP Nos.67 and 69 of 2002 on the file of the Principal District Munsif, Coimbatore, seeking eviction on two grounds. The first one is on the ground of wilful default in payment of rent and the second one is for owners occupation. In the course of trial, the claim regarding owner's occupation was not pressed into service before the Rent Controller. Except filing counter statement, the tenant has not substantiated his defence though it is stated that the shop was damaged during the riot and thereafter it was he, who put up a new shop by spending money. As rightly pointed out by the Rent Controller as well as the Appellate Authority, such defence was not proved by letting evidence. Admittedly, the tenant has not gone into the box to putforth his defence. In other words, except his bold statement in the counter affidavit, nothing has been placed before the Courts below.

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2. On the other hand, the landlord in both the petitions were examined as PW1 and they corroborated their claim made in the Rent Control petitions. They also marked Exs.P1 and P2 in support of their claim. The Rent Controller, accepted their claim and ordered eviction on the ground of wilful default. The same was confirmed by the Appellate Authority. Even before him, there is no serious argument questioning the correctness of the orders passed by the Rent Controller as well as the Appellate Authority.

3. In view of the factual position as discussed above, in the absence of any other material, I do not find any valid ground for interference against the concurrent finding of both the authorities. Consequently, the Civil Revision Petitions fail and the same are dismissed.

4. The learned counsel for the petitioner, on specific instruction, asserts that entire arrears have been deposited before the Rent Controller and informs this Court that there is no arrears of rent.

5. The above statement is hereby recorded. The petitioner-tenant is granted two months time from today(13.09.2006) for handing over the possession to the respondents.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

raa

To

1. II Additional Subordinate Judge, Coimbatore.
2.The Principal District Munsif, Coimbatore.
3.The Record Keeper, V.R. Section, High Court, Madras.

2 cc To Mr.V.Nicholas, Advocate, SR.42826 & 42827.
1 cc To Mr.N.Anand Venkatesh, Advocate, SR.42653.

CRP NPD Nos.1327 &
1328 of 2006

NG(CO)
RVL 22.09.2006

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